

Examples of Energy Facility Licensing Schedules and Informational Requirements for 4-Month, 6-Month, and 12-Month Processes

4-Month Energy Facility Licensing Process*

(The 4-month permitting process is limited to simple cycle thermal power plants that can be on line by December 31, 2002.)

Information Requirements for the 4-Month Process

1. Energy Facilities Siting Regulations, Title 20, California Code of Regulations, section 1704, Appendix B, and
2. Public Resources Code, section 25552 (SB 28X--May 2001). These provisions may be modified by future legislation. If they are, the new provisions will apply. Effective until January 1, 2003, section 25552 sets forth the following:
 - The Commission determines within 15 days whether the application is complete.
 - Within 25 days of determining the application is complete, the Commission or committee determines whether the application qualifies for the 4-month process.
 - The Commission issues a decision in 4-months granting a license to a simple cycle thermal power plant and its related facilities if the Commission finds:
 - a. the thermal power plant is not a major stationary source or a modification to a major source as defined by the federal Clean Air Act and will be equipped with best available control technology;
 - b. the power plant and related facilities will not have a significant adverse impact on the environment or the electrical system; and
 - c. the applicant has contracted with a general contractor and has contracted for an adequate supply of skilled labor to construct, operate and maintain the plant.
 - To satisfy the information requirements, the application must provide information to support the findings in Public Resources Code section 25523 and include proposed conditions of certification that demonstrates that the thermal plant and related facilities:
 - a. will not have a significant adverse effect on the environment;
 - b. will not have a significant adverse effect on public health and safety;
 - c. will comply with all local, state and federal laws, ordinances, regulations, and standards;
 - d. will be in service before December 31, 2002;
 - e. pursuant to a binding agreement with the Energy Commission, will cease to operate within 3 years and the permit will terminate, or the plant will be recertified, modified, replaced, or removed within 3 years with a cogeneration or combined-cycle thermal power plant; and
 - f. will obtain air quality offsets, or where unavailable, will pay an air emissions mitigation fee to the local air district based on the actual emissions from the plant.

Example 4-Month Schedule

(The following is a suggested schedule subject to change at the discretion of the committee assigned to a case. It assumes modified time requirements pursuant to Executive Order D-28-01.)

<u>Activity</u>	<u>Day</u>
Applicant files Application for Certification (AFC)	-15
Executive Director's recommendation on data adequacy	- 7
Decision on data adequacy at the business meeting	0
Staff files data requests	5
Staff files Issue Identification Report	15
Staff files recommendation on eligibility for 4-month process	15
Information hearing, site visit, and 4-month eligibility hearing	25
Applicant provides data responses	30
Data response and issue resolution workshop	35
Local, state and federal agency draft determinations*	35
Staff Assessment filed	60
Local, state and federal agency final determinations*	65
Staff Assessment workshop	70
Addendum to Staff Assessment (if necessary)	75
Evidentiary hearings	80
Committee files proposed decision	100
Hearing on the proposed decision	110
Addendum to the proposed decision (if necessary)	115
Commission Decision	120

*The 4-month schedule is limited to those projects that meet the requirements of Public Resources Code, section 25552 and can be on line by December 31, 2002. The 4-month schedule is ambitious and will require the cooperation of the applicant in providing timely information when requested. Local, state, and federal agencies are urged to complete their reviews and issue any formal notices, findings, opinions (such as those contained in a final Determination of Compliance, wastewater discharge requirements, biological opinions and land use decisions) within 65 days pursuant to Executive Order D-28-01. Federal agencies are requested to expedite their reviews/permits by matching the state schedule in Executive Orders of President George W. Bush.

6-Month Energy Facility Licensing Process**

(The 6-month “fast track” permitting process is for thermal power plants that will not cause significant adverse impacts to public health, the transmission system, and the environment; and will comply with all local, state, and federal laws, ordinances, regulations, and standards.)

Information Requirements for the 6-Month Process

1. Energy Facilities Siting Regulations, Title 20 California Code of Regulations, section 1704, Appendix B; and
2. “Fast Track” regulations governing the 6-Month Licensing Process, Title 20, California Code of Regulations, section 2022. The regulations require the following.
 - A determination within 45 days of filing whether the application is complete.
 - Within 45 days of deeming the application complete, the Commission shall determine whether the application qualifies for the 6-month process.

Example 6-Month Schedule

(The following is a suggested schedule subject to change at the discretion of the committee assigned to a case.)

<u>Activity</u>	<u>Day</u>
Applicant files Application for Certification (AFC)	-45
Executive Director’s recommendation on data adequacy	-15
Decision on data adequacy at the business meeting	0
Staff files data requests	10
Staff files Issue Identification Report	35
Staff files recommendation on eligibility for 6-month process	35
Applicant provides data responses	40
Information hearing, site visit, and 6-month eligibility hearing	45
Data response and issue resolution workshop	50
Local, state and federal agency draft determinations**	60
Initial Assessment filed	75
Staff Assessment workshop	85
Local, state and federal agency final determinations**	100
Final Staff Assessment filed	110
Evidentiary hearings	120
Committee files proposed decision	145
Hearing on the proposed decision	155
Committee files revised proposed decision	165
Commission Decision	180

**To qualify for the 6-month schedule, projects must meet the requirements of the 12-month regulations (Title 20, California Code of Regulations, section 1704, Appendix B) plus the “fast track” (6-month) regulations. To meet the above milestones, the applicant must provide timely information when requested. Per Public Resources Code section 25550(d) and Title 20, California Code of Regulations, section 2026, local and state

agencies are required to complete their reviews and issue any formal notices, findings, and opinions (such as those contained in a final Determination of Compliance, wastewater discharge requirements, biological opinions and land use decisions) within 100 days of the Commission's acceptance of an application as complete. Federal agencies are requested to expedite their review/permits by matching the state schedule in Executive Orders of President George W. Bush.

12-Month Energy Facility Licensing Schedule***

(The 12-month schedule is the standard Energy Commission process for projects with issues that may take time to resolve such as zoning changes, or adverse impacts to biological resources, water resources, air quality, the transmission system, near by neighborhoods, and public health and safety, etc.)

Information Requirements for the 12-Month Process

Energy Facilities Siting Regulations, Title 20, California Code of Regulations, section 1704, Appendix B;

Example 12-Month Schedule

(The following is a suggested schedule subject to change at the discretion of the committee assigned to a case.)

<u>Activity</u>	<u>Day</u>
Applicant files Application for Certification (AFC)	-45
Executive Director's recommendation on data adequacy	-15
Decision on data adequacy at the business meeting	0
Staff files data requests (round 1)	15
Staff files Issue Identification Report	35
Applicant provides data responses (round 1)	45
Information hearing and site visit	45
Data response and issue resolution workshop (round 1)	55
Staff files data requests (round 2, if necessary)	65
Applicant provides data responses (round 2, if necessary)	95
Data response and issue resolution workshop (round 2)	105
Local, state and federal agency draft determinations***	120
Preliminary Staff Assessment filed	150
Preliminary Staff Assessment workshop(s)	170-180
Local, state and federal agency final determinations***	180
Final Staff Assessment filed	210
Evidentiary hearings	220-240
Committee files proposed decision	305
Hearing on the proposed decision	320
Addendum/revised proposed decision	350
Commission Decision	365

*** To meet the above milestones, the applicant must provide timely information when requested. Per Public Resources Code, section 255199H), local and state agencies are required to complete their reviews and issue any formal notices, findings, opinions (such as those contained in a final Determination of Compliance, wastewater discharge requirements, biological opinions and land use decisions) within 180 days of the Commission's acceptance of an application as complete. Federal agencies are requested to match the state schedule in Executive Orders of President George W. Bush.